

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

MICHAEL SEARCY, #1347672

§

VS.

§

CIVIL ACTION NO. 2:15cv1660

DIRECTOR, TDJC

§

ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Roy Payne. The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. *See* Docket Entry # 12. No objections have been filed by either party.

The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court. It is therefore

ORDERED that the Report and Recommendation (docket entry #12) is **ADOPTED**. It is further

ORDERED that the Director's Motion to Dismiss Subsequent Petition (docket entry # 7) is **GRANTED**. It is further

ORDERED that the petition for a writ of habeas corpus is **DISMISSED** without prejudice for lack of subject matter jurisdiction. It is further **ORDERED** that a certificate of appealability is **DENIED**. It is further **ORDERED** that the Clerk of Court shall return unfiled any new petitions for a writ of habeas corpus submitted by the Mr. Searcy regarding his conviction unless he shows that he has received permission from the Fifth Circuit to file it. It is finally

ORDERED that all motions not previously ruled on are **DENIED**.

So ORDERED and SIGNED this 27th day of September, 2016.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE